

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

MONTY M. SHELTON
REG. #10426-078

PLAINTIFF

v.

2:19-cv-00145-JM-JJV

UNITED STATES OF AMERICA; and
JERRY CISSEL, Officer, SIS Investigations

DEFENDANTS

ORDER

The Court has reviewed the Recommendation submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed, and the time to do so has passed. After careful review, this Court adopts the Recommendation in its entirety as its findings in all respects.

IT IS THEREFORE ORDERED that:

1. Defendant Cissel's Motion for Summary Judgment (Doc. 49) is GRANTED, Plaintiff's claim against Defendant Cissel is DISMISSED WITHOUT PREJUDICE, and this case is CLOSED.

2. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

3. The Clerk's Office reports that there is an overpayment of the filing fee of \$42.70 in this case. The Clerk is directed to refund the money to Mr. Shelton's prison account. Mr. Shelton's motion (Doc. 56) is GRANTED.

Dated this 21st day of October 2020.


UNITED STATES DISTRICT JUDGE